UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,586	02/20/2004	Charles Randall Yates	2002-051	7723

24112   7590   11/15/2005

COATS & BENNETT, PLLC
P O BOX 5
RALEIGH, NC 27602

EXAMINER
FOX, BRYAN J

ART UNIT	PAPER NUMBER
2686	

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/783,586	YATES ET AL.
	Examiner	Art Unit	
	Bryan J. Fox	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*20 February 2004*</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9, 11-17, 19-22, 26-29, 32, 33, 35 and 36 are rejected under 35

U.S.C. 102(b) as being anticipated by Hendrey et al (US 20020107008A1).

Regarding **claim 1**, Hendrey et al disclose a system where a user initiates a

group connection via a communication infrastructure (see paragraphs 49-50), which

reads on the claimed, "push-to-talk controller in a wireless network for establishing a

local ad hoc group session between an inviting mobile terminal and local mobile

terminals." The telecommunication infrastructure may determine the distances of

mobiles from a list and initiate the telephone call with the mobiles within a certain

distance (see paragraphs 49-54), which reads on the claimed, "presence server for

identifying local mobile terminals within a local area of the inviting mobile terminal; and a

push-to-talk server for establishing the local ad hoc group session between the inviting

mobile terminal and one or more local mobile terminals responsive to a request from the

inviting mobile terminal."

Regarding **claim 2**, Hendrey et al disclose that if there are a plurality of callees

meeting the criteria, a conference connection may be initiated by TU 201 using

techniques well known in the art, or alternatively, instead of the TU initiating the
connections, the telecommunication infrastructure may initiate any group connections
(see paragraph 52), which reads on the claimed, "the push-to-talk server sends an invite
message to local mobile terminals identified by the presence server and establishes the
local ad hoc group session between the inviting mobile terminal and one or more local
mobile terminals that respond to the invite message."

Regarding **claim 3**, Hendrey et al disclose that the TU 201 may transmit a group
identifier to customer information database 105 to select a predetermined group list 220
to use, and the infrastructure determines the locations of all group members and
initiates a connection with the closest members (see paragraph 59-64), which reads on
the claimed, "core server that receives the request from the inviting mobile terminal and
forwards a list of the local mobile terminals identified by the presence server to the
push-to-talk server."

Regarding **claim 4**, Hendrey et al disclose the use of a list of phone numbers that
are filtered to find the nearest of that list (see paragraphs 50-52), which reads on the
claimed, "group server to filter a list of mobile terminals based on at least one of a
media type restriction and an access control restriction to identify preferred local mobile
terminals."

Regarding **claim 5**, Hendrey et al disclose if one or more of the closest members
of the group list cannot be connected, then additional callees are added to the
connection until a desired number of callees is reached and stay in the multi-party

connection (see paragraph 55), which reads on the claimed, "the push-to-talk server sends an invite message to each of the preferred local mobile terminals and establishes the local ad hoc group session between the inviting mobile terminal and one or more of the preferred local mobile terminals that respond to the invite message," wherein initiating the connection reads on inviting and establishing the connection reads on the response.

Regarding **claim 6**, Hendrey et al disclose that the invention may connect proximately located telecommunications users based in part on distance and in part on a profile associated with each user (see paragraph 65) and the profile may contain information about likes and dislikes (see paragraph 66), which reads on the claimed, "the group server further filters the local mobile terminals based on a subject of interest identified by the inviting mobile terminal."

Regarding **claim 7**, Hendrey et al disclose that in one embodiment, the distances between mobiles may be actual travel distances taking into account walking the perimeter of city blocks when a map is available (see paragraph 56), which reads on the claimed, "the presence server determines a current location of the inviting mobile terminal," wherein the location of the mobile terminal must be determined in order to use a map.

Regarding **claim 8**, Hendrey et al disclose the distance from the inviting mobile is used (see paragraphs 49-55), which reads on the claimed, "the presence server defines the local area based on the current location of the inviting mobile terminal."

Regarding **claim 9**, Hendrey et al disclose that the user may select a

predetermined maximum connection distance (see paragraph 49), which reads on the

claimed, "the presence server receives a defined local area from the inviting mobile."

Regarding **claim 11**, Hendrey et al disclose the telecommunications

infrastructure may select users who are within a predefined distance of the TU 201 (see

paragraph 51), which reads on the claimed, "the presence server identifies local mobile

terminals within the local area of the inviting mobile terminal by identifying local mobile

terminals within a defined distance of the inviting mobile terminal."

Regarding **claim 12**, Hendrey et al disclose that the infrastructure determines the

locations of all group members and stores them locally in group list 220, and this

information may be continually updated (see paragraph 61), which reads on the

claimed, "memory for dynamically storing groups and dynamically storing updated lists

of local mobile terminals within the local area of the inviting mobile terminal."

Regarding **claim 13**, Hendrey et al disclose a system where a user initiates a

group connection via a communication infrastructure (see paragraphs 49-50), which

reads on the claimed, "method of establishing a local ad hoc group session in a wireless

network between an inviting mobile terminal and local mobile terminals." The

telecommunication infrastructure may determine the distances of mobiles from a list and

initiate the telephone call with the mobiles within a certain distance (see paragraphs 49-

54), which reads on the claimed, "receiving a request to initiate the local ad hoc group

session from the inviting mobile terminal; identifying local mobile terminals within a local

area of the inviting mobile terminal; establishing the local ad hoc group session between

the inviting mobile terminal and one or more of the local mobile terminals."

Regarding **claim 14**, Hendrey et al disclose that if there are a plurality of callees

meeting the criteria, a conference connection may be initiated by TU 201 using

techniques well known in the art, or alternatively, instead of the TU initiating the

connections, the telecommunication infrastructure may initiate any group connections

(see paragraph 52), which reads on the claimed, "sending an invite message to local

mobile terminals within the local area of the inviting mobile terminal; and establishing

the local ad hoc group session between the inviting mobile terminal and one or more of

the local mobile terminals that respond to the invite message."

Regarding **claim 15**, Hendrey et al disclose the use of a list of phone numbers

that are filtered to find the nearest of that list (see paragraphs 50-52), which reads on

the claimed, "identifying preferred local mobile terminals by filtering a list of local mobile

terminals within the local area of the inviting mobile terminal based on at least one of a

media type restriction and an access control restriction."

Regarding **claim 16**, Hendrey et al disclose if one or more of the closest

members of the group list cannot be connected, then additional callees are added to the

connection until a desired number of callees is reached and stay in the multi-party

connection (see paragraph 55), which reads on the claimed, "sending an invite

message to one or more preferred local mobile terminals; establishing the local ad hoc

group session between the inviting mobile terminal and preferred local mobile terminals

that respond to the invite message," wherein initiating the connection reads on inviting and establishing the connection reads on the response.

Regarding **claim 17**, Hendrey et al disclose that the invention may connect proximately located telecommunications users based in part on distance and in part on a profile associated with each user (see paragraph 65) and the profile may contain information about likes and dislikes (see paragraph 66), which reads on the claimed, "identifying preferred local mobile terminal further comprises filtering the list of local mobile terminals within the local area of the inviting mobile terminal based on a subject of interest identified by the inviting mobile terminal."

Regarding **claim 19**, Hendrey et al disclose the distance from the inviting mobile is used (see paragraphs 49-55), which reads on the claimed, "identifying local mobile terminals within a local area of the inviting mobile terminal comprises identifying local mobile terminals within a defined distance of the inviting mobile terminal."

Regarding **claim 20**, Hendrey et al disclose that the infrastructure determines the locations of all group members and stores them locally in group list 220, and this information may be continually updated (see paragraph 61), which reads on the claimed, "storing and dynamically updating groups of local mobile terminals within one or more local areas of the inviting mobile terminal."

Regarding **claim 21**, Hendrey et al disclose a system where a user initiates a group connection via a communication infrastructure (see paragraphs 49-50), which reads on the claimed, "motile terminal in a wireless network." The telecommunication

infrastructure may determine the distances of mobiles from a list and initiate the

telephone call with the mobiles within a certain distance (see paragraphs 49-54), which

reads on the claimed, "transceiver for transmitting and receiving signals in the wireless

network; and a push-to-talk processor for initiating a local ad hoc group session

between the inviting mobile terminal and one or more local mobile terminals within a

local area of the inviting mobile terminal responsive to a user input."

Regarding **claim 22**, Hendrey et al disclose that the user initiates a group

connection by selecting and activating a group list when more than one are present in

the TU (see paragraph 49), which reads on the claimed, "display and menu system

displayed on the display, wherein a user requests the local ad hoc group session by

selecting a local ad hoc group option from a menu," wherein the selecting reads on a

menu of some kind.

Regarding **claim 26**, Hendrey et al disclose that in one embodiment, the

distances between mobiles may be actual travel distances taking into account walking

the perimeter of city blocks when a map is available (see paragraph 56), which reads on

the claimed, "location processor for determining a current location of the inviting mobile

terminal," wherein the location of the mobile terminal must be determined in order to use

a map.

Regarding **claim 27**, Hendrey et al disclose the distance from the inviting mobile

is used (see paragraphs 49-55), which reads on the claimed, "the location processor

defines a local area based on the current location of the inviting mobile terminal."

Regarding **claim 28**, Hendrey et al disclose a system where a user initiates a

group connection via a communication infrastructure (see paragraphs 49-50), which

reads on the claimed, "method of initiating a local ad hoc group session at an inviting

mobile terminal." The telecommunication infrastructure may determine the distances of

mobiles from a list and initiate the telephone call with the mobiles within a certain

distance (see paragraphs 49-54), which reads on the claimed, "initiating a local ad hoc

group session by a user of the inviting mobile terminal; and sending a request to a

network push-to-talk controller to establish the local ad hoc group session between the

inviting mobile terminal and one or more local mobile terminals within a local area of the

inviting mobile terminal responsive to the user initiation."

Regarding **claim 29**, Hendrey et al disclose that the user initiates a group

connection by selecting and activating a group list when more than one are present in

the TU (see paragraph 49), which reads on the claimed, "initiating the local ad hoc

group session by the user of the inviting mobile terminal comprises selecting a local ad

hoc group option from a menu associated with the inviting mobile terminal," wherein the

selecting reads on a menu of some kind.

Regarding **claim 32**, Hendrey et al disclose that the invention may connect

proximately located telecommunications users based in part on distance and in part on

a profile associated with each user (see paragraph 65) and the profile may contain

information about likes and dislikes (see paragraph 66), which reads on the claimed,

"selecting a subject of interest and initiating the local ad hoc group session between the

inviting mobile terminal and one or more local mobile terminals based on the subject of interest."

Regarding **claim 33**, Hendrey et al disclose that the user may select a predetermined maximum connection distance (see paragraph 49), which reads on the claimed, "defining the local area of the inviting mobile terminal."

Regarding **claim 35**, Hendrey et al disclose that the user may select a predetermined maximum connection distance (see paragraph 49), which reads on the claimed, "defining the local area of the inviting mobile terminal comprises defining the local area as a defined distance from the inviting mobile terminal."

Regarding **claim 36**, Hendrey et al disclose that the user may select a predetermined maximum connection distance (see paragraph 49), which reads on the claimed, "defining the local area of the inviting mobile terminal comprises defining the local area based on user input."

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

    1.   Determining the scope and contents of the prior art.

    2.   Ascertaining the differences between the prior art and the claims at issue.

    3.   Resolving the level of ordinary skill in the pertinent art.

    4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 10, 18 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendrey et al in view of Fraccaroli (US006549768B1).

Regarding **claim 10**, Hendrey et al fail to disclose the presence server identifies local mobile terminals within the local area of the inviting mobile terminal by identifying local mobile terminals in at least a portion of the same cell as the inviting mobile terminal.

In a similar field of endeavor, Fraccaroli discloses that when the handset registers into the base station, the ID of the handset can be sent to eh MSC and formed into groups of mobile stations registered in the same base station. These groups of mobile station IDs can be sent to the HLR and its respectively collocated server to match and couple the profiles (see column 5, lines 4-11), which reads on the claimed, "the presence server identifies local mobile terminals within the local area of the inviting mobile terminal by identifying local mobile terminals in at least a portion of the same cell as the inviting mobile terminal."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Hendrey et al with Fraccaroli to include the above grouping based on base station in order to provide an easy and effective way of locating mobile terminals.

Regarding **claim 18**, Hendrey et al fail to disclose identifying local mobile terminals within a local area of the inviting mobile terminal comprises identifying local mobile terminals within at least a portion of the same cell as the inviting mobile terminal.

In a similar field of endeavor, Fraccaroli discloses that when the handset registers into the base station, the ID of the handset can be sent to eh MSC and formed into groups of mobile stations registered in the same base station. These groups of mobile station IDs can be sent to the HLR and its respectively collocated server to match and couple the profiles (see column 5, lines 4-11), which reads on the claimed, "identifying local mobile terminals within a local area of the inviting mobile terminal comprises identifying local mobile terminals within at least a portion of the same cell as the inviting mobile terminal."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Hendrey et al with Fraccaroli to include the above grouping based on base station in order to provide an easy and effective way of locating mobile terminals.

Regarding **claim 34**, Hendrey et al fail to disclose defining the local area of the inviting mobile terminal comprises defining the local area as an area within at least a portion of a base station cell containing the inviting mobile terminal.

In a similar field of endeavor, Fraccaroli discloses that when the handset registers into the base station, the ID of the handset can be sent to eh MSC and formed into groups of mobile stations registered in the same base station. These groups of mobile station IDs can be sent to the HLR and its respectively collocated server to

match and couple the profiles (see column 5, lines 4-11), which reads on the claimed, "defining the local area of the inviting mobile terminal comprises defining the local area as an area within at least a portion of a base station cell containing the inviting mobile terminal."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Hendrey et al with Fraccaroli to include the above grouping based on base station in order to provide an easy and effective way of locating mobile terminals.

Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendrey et al in view of what was well known in the art (see MPEP 2144.03).

Regarding **claim 23**, Hendrey et al disclose that one attribute used to create a match could be a desire for a specific experience, such as going to the movies or a specific restaurant (see paragraphs 74-89), which reads on the claimed, "selecting a subject of interest." Hendrey et al fails to expressly disclose that this option is in a sub-menu associated with the local ad hoc group option.

The examiner takes official notice that organizing options in menus and sub-menus was well known to a person of ordinary skill in the art at the time of the invention.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Hendrey et al to include the above sub-menu associated with a subject of interest in order to organize options in an easy to read and user friendly manner.

Regarding **claim 24**, Hendrey et al disclose that the user may optionally select a predetermined maximum connection distance (see paragraph 49), which reads on the claimed, "defining the local area." Hendrey et al fails to expressly disclose that this option is in a sub-menu associated with the local ad hoc group option.

The examiner takes official notice that organizing options in menus and sub-menus was well known to a person of ordinary skill in the art at the time of the invention.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Hendrey et al to include the above sub-menu associated with defining the local area in order to organize options in an easy to read and user friendly manner.

Claims 25, 30 and 31 rejected under 35 U.S.C. 103(a) as being unpatentable over Hendrey et al in view of Naddell et al (US006253091B1).

Regarding **claim 25**, Hendrey et al fail to expressly disclose a multi-directional control button located on an outer housing of the mobile terminal for requesting the local ad hoc group session by the user.

In a similar field of endeavor, Naddell et al disclose a system where a request for establishing group communication is received via an input means such as a selector knob (see column 6, lines 39-54), which reads on the claimed, "multi-directional control button located on an outer housing of the mobile terminal for requesting the local ad hoc group session by the user."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Hendrey et al with Naddell et al to include the above selector knob to provide a more intuitive user interface.

Regarding **claim 30**, Hendrey et al fail to expressly disclose a multi-directional control button located on an outer housing of the mobile terminal for requesting the local ad hoc group session by the user.

In a similar field of endeavor, Naddell et al disclose a system where a request for establishing group communication is received via an input means such as a selector knob (see column 6, lines 39-54), which reads on the claimed, "multi-directional control button located on an outer housing of the mobile terminal for requesting the local ad hoc group session by the user."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Hendrey et al with Naddell et al to include the above selector knob to provide a more intuitive user interface.

Regarding **claim 31**, Hendrey et al fail to disclose initiating the local ad hoc group session by the user of the inviting mobile terminal comprises providing a push-to-talk voice command to the inviting mobile terminal.

In a similar field of endeavor, Naddell et al disclose a request to establish group communications may be received via a voice-activated request (see column 4, lines 35-55), which reads on the claimed, "initiating the local ad hoc group session by the user of the inviting mobile terminal comprises providing a push-to-talk voice command to the inviting mobile terminal."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Hendrey et al with Naddell et al to include the above voice-activated request in order to allow for hands-free use when a user's hands are not free.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chandhok et al (US 20040198376A1) disclose a method and apparatus for supporting group communications based on location vector.

Motegi et al (US006898423B2) disclose a group communication system for mobile terminals having real time communication capabilities.

Panchal et al (US006519239B1) disclose a method and apparatus for providing dispatch service in a CDMA communication system.

Edwards et al (US 20040192368A1) disclose a method and mobile communication device for receiving a dispatch call.

Segawa (US 20020032037A1) discloses a system for providing a virtual communication space corresponding to sensed information from the real world.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan J. Fox whose telephone number is (571) 272-7908. The examiner can normally be reached on Monday through Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bryan Fox
November 10, 2005

CHARLES APPIAH
PRIMARY EXAMINER